

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Court No. 05-10115-WGY
)	
DAVID W. SWANBERG,)	
)	
Defendant.)	

UNITED STATES' MOTION FOR DEFAULT JUDGMENT

Pursuant to Rule 55(b)(1) of the Federal Rules of Civil Procedure, the plaintiff, United States of America, moves this Court to enter judgment by default against the defendant, David W. Swanberg (hereinafter "Swanberg"), for failing to plead to, or otherwise defend, the complaint for the above captioned action.

In support, the United States says:

1. According to our office records, Swanberg is indebted to the United States for the principal amount of \$311,179.52; plus \$107,182.70 accrued interest at the rate of 5.0 percent; plus costs. The total balance as of April 28, 2005 was \$418,362.22.
2. The submitted affidavit of Nancy M. Rojas, Paralegal for the United States Attorney's Office Financial Litigation Unit, Boston, Massachusetts, establishes that the United States is entitled to recover judgment on default.

WHEREFORE, the United States requests this Court to enter a default judgment against Swanberg in the sum of \$418,362.22; plus interest from the date of judgment at the legal interest rate, computed daily and compounded annually until paid in full; plus costs for this action, including a \$250.00 filing fee pursuant to 28 U.S.C. § 2412(a)(2).

Respectfully submitted,

UNITED STATES OF AMERICA
By its attorneys

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3303

Dated: April 28, 2005

CERTIFICATE OF SERVICE

Suffolk, s.s.

Boston, MA

I hereby certify that on this day, April 28, 2005, I served a copy of the foregoing by mailing to the defendant's attorney, Christian Haulfer, Jr, at 22 Washington Street, Norwell, MA.

/s/ Christopher R. Donato
CHRISTOPHER R. DONATO
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

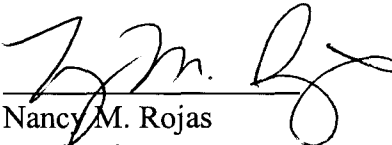
UNITED STATES OF AMERICA,)	
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Plaintiff,)	
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v.)	Court No. 05-10115-WGY
)	
DAVID W. SWANBERG,)	
)	
Defendant.)	

**AFFIDAVIT SUPPORTING UNITED STATES' MOTION
FOR DEFAULT JUDGMENT**

I, Nancy M. Rojas, state under oath that:

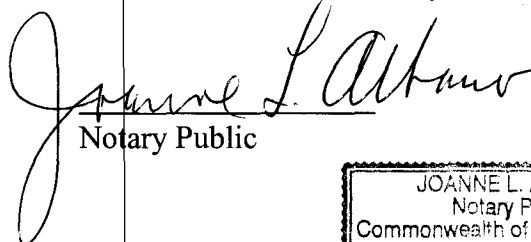
1. I am a Paralegal with the United States Attorney's Office Financial Litigation Unit located in Boston, Massachusetts.
2. In that capacity, I process and maintain debt collection cases, including the case of David W. Swanberg (hereinafter "Swanberg"). I am also the custodian of the records for such cases.
3. According to the records, which I have examined, and to the best of my knowledge, Swanberg is neither an infant nor an incompetent person.
4. According to the records of the Department of Defense Manpower Data Center, the defendant is not an active member of the armed services of the United States and is not entitled to protection under the Soldiers' and Sailors' Civil Relief Act of 1940.

5. Upon the claim stated in the complaint, Swanberg is indebted to the United States for the principal amount of \$311,179.52; plus \$107,182.70 accrued interest at the rate of 5.0 percent; plus costs for this action, including a \$250.00 filing fee pursuant to 28 U.S.C. § 2412(a)(2).

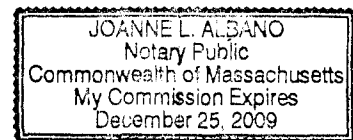

Nancy M. Rojas
Paralegal

Date: April 28, 2005

Signed and sworn to before me at Boston, Massachusetts, on this 28th day of April, 2005.


Notary Public

My commission expires:



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)	
Defendant.)	

JUDGMENT BY DEFAULT

The defendant, David W. Swanberg, having failed to plead or otherwise defend in this action and its default having been entered,

Now, upon application of the plaintiff and affidavits demonstrating that the defendant owes the plaintiff the sum of \$418,362.22; that defendant is not an infant or incompetent person or in the military service of the United States, and that plaintiff has incurred costs, including a \$150.00 filing fee pursuant to 28 U.S.C. § 1914, it is hereby

ORDERED, ADJUDGED, AND DECREED that the plaintiff, United States of America, recover from the defendant, David W. Swanberg, the sum of \$418,362.22; plus interest from the date of judgment at the legal rate of 3.28 percent, computed daily and compounded annually until paid in full; plus costs for this action, including a \$250.00 filing fee pursuant to 28 U.S.C. § 1914.

Sarah A. Thornton
Clerk, United States District Court

By:

Deputy Clerk

Dated: